

**REMARKS****Status of the Claims**

Claims 1, 2, 6, 7, 8, 12, 13, 14, 16, 18-22, 25, 26-37, 39-51 and new claims 52-54 are currently pending in the application. Of these, claims 1, 7, 13, 14, 22, 36 and 49-52 are independent. All claims have been rejected. No new matter is introduced by this amendment. Accordingly, entry of this Amendment is respectfully requested.

**Rejections under 35 U.S.C. § 103**

Claims 1-51 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Fraser et al. (US 5,835,595) in view of Wiser et al. (US 6,385,596).

Before addressing this ground for rejection, the Applicant would like to draw the Examiner's attention to some of the novel and unobvious features of the claimed invention. In the Applicant's claimed invention, the authorized agent (1) has its own public key and private key and (2) the content key transmitted to the authorized agent is encrypted with the public key of the authorized agent. This is an important distinction because the Applicant has discovered how to redistribute the content from one client to another without sacrificing the encrypted security of the content, by using an authorized agent of the content distributor to handle the key encrypting keys. Neither Fraser et al. nor Wiser et al. disclose or suggest the Applicant's claimed invention.

In Fraser, at column 4, lines 9-21, the user wishes to acquire music content T provided by a "music publishing label" L. In step 302, the "music publishing label" L stores the label's secret key  $\lambda$  and the label's private key  $PrL$ , in the certification module CM. Fraser's publishing label L's secret key  $\lambda$  is a symmetric key, not a public key infrastructure (PKI) key. There is no

public key that is paired with label L's secret key  $\lambda$  as a public key/private key pair. The symmetric key  $\lambda$  is used by Fraser as a key encrypting key.

In Fraser, at column 4, lines 33-42, the "publishing label L" encrypts the piece of music T using a secret key  $\lambda T$ . Fraser's publishing label L's secret key  $\lambda T$  is a symmetric key, not a public key infrastructure (PKI) key. There is no public key that is paired with the secret key  $\lambda T$  as a public key/private key pair. The symmetric key  $\lambda T$  is used by Fraser as a content encrypting key. The encrypted music content is  $\lambda T(T)$ . Publishing Label L also encrypts the content encrypting key  $\lambda T$  using the symmetric key encrypting key  $\lambda$  to obtain the encrypted content key  $\lambda(\lambda T)$ .

In Fraser's step 303, the "publishing label L" sends both the encrypted music content  $\lambda(T)$  and the encrypted content key  $\lambda(\lambda T)$  to be stored in the certification module CM.

Thus, it is seen that Fraser's certification module CM does not possess its own public key and private key and that Fraser's certification module CM does not receive the content key encrypted with a public key of the certification module CM. Thus, it is clear that Fraser does not disclose or suggest the Applicant's claimed invention, wherein the authorized agent (1) has its own public key and private key, (2) the content key transmitted to the authorized agent is encrypted with the public key of the authorized agent.

The Examiner cited column 7, line 25-40 in rejecting Applicant's claims 2-6. The cited column 7, line 25-40 is a last portion of Fraser's claim 3 and a first portion of Fraser's claim 4, which appears to be a typographical error. The Applicant has not found any disclosure in Fraser of the Applicant's claimed invention, wherein the authorized agent (1) has its own public key and private key and (2) the content key transmitted to the authorized agent is encrypted with the public key of the authorized agent.

The Wiser reference discloses receiving from the second remote device an encrypted version of the content key, wherein the encrypted version of the content key is encrypted with a public key of the communications device, and then decrypting the encrypted version of the content key with a private key of the communications device. However, there is no disclosure or suggestion in the Wiser reference of the Applicant's claimed invention, wherein the authorized agent (1) has its own public key and private key and (2) the content key transmitted to the authorized agent is encrypted with the public key of the authorized agent.

The combination of Fraser with Wiser fails to disclose or suggest the Applicant's claimed invention, as discussed above.

### **CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.


**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4143. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4143. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: September 27, 2006 By: \_\_\_\_\_

  
\_\_\_\_\_  
John E. Hoel  
Registration No. 26,279  
(202) 857-7887 Telephone  
(202) 857-7929 Facsimile

Correspondence Address:  
MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101